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ABSTRACT

The Fourth Amendment protects an individual's justified expectations of privacy against unreasonable government intrusions; however, reasonable intrusions are allowed when legitimate governmental interests are served. This volume is intended to provide guidelines for school administrators on how to conduct searches and seizures in a manner consistent with the United States Constitution and state laws. The first section briefly discusses the relationships between individual privacy expectations, the reasonableness of government intrusions, and the protective principles of the Fourth Amendment. Sections 2 and 3 provide an understanding of what standards must be satisfied to make the search reasonable and lawful under the Fourth Amendment. Section 4 discusses search strategy, and scope and intensity limits. Section 5 delineates the requirements, purpose, and function of investigative stops to detain briefly and question a student. Section 6 details what actions are permitted upon discovering any sought-after items during a student search and section 7 provides information about the exclusion of illegally obtained evidence. Sections 8 and 9 briefly describe procedures for very serious infractions and civil liability for illegal searches or seizures. Section 10 contains a representative list of states' standards pertaining to school searches. Section 11 contains sample forms: the student search-and-seizure incident report form and the item identification tag. An alphabetical table of 282 cases lists the references cited in the sections. (MLF)

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